

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

July 28, 2015

**FROM: TOM HUDSON, Director
Land Use Services Department**

**SUBJECT: PROPOSED ORDINANCE TO EXTEND AND AMEND INTERIM URGENCY
ORDINANCE NO. 4278 - TEMPORARY MORATORIUM ON PROJECTS THAT
MAY CONFLICT WITH THE VALLEY BOULEVARD CORRIDOR SPECIFIC
PLAN**

RECOMMENDATION(S)

1. Conduct a public hearing to consider an ordinance to extend and amend Interim Urgency Ordinance No. 4278, which established a temporary moratorium on approval of projects that may conflict with the goals of the Valley Boulevard Corridor Specific Plan in the Community of Bloomington.
2. Accept report entitled "Report on Interim Urgency Ordinance No. 4278, Establishing a Temporary Moratorium on the Approval of Projects that may Conflict with the Valley Boulevard Corridor Specific Plan."
3. Make alterations, if necessary, to proposed ordinance.
4. Approve introduction of proposed ordinance.
5. Read title only of the proposed Interim Urgency Ordinance; waive reading of the entire text and adopt **Ordinance No. 4281** (Four votes required).

Hearing Opened

Public Comment: None

Hearing Closed

(Presenter: Terri Rahhal, Planning Director, 387-4110)

BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES

Implement the Countywide Vision.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

- Work collaboratively with cities on zoning and development standards in their spheres of influence.

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cc: w/Ordinance
LUSD-Hudson
LUSD-Rahhal w/NOE
County Counsel-Hardy
CAO-Snoke
File - LUSD w/attach
jr 8/6/15

ITEM 104

Record of Action of the Board of Supervisors

APPROVED
COUNTY OF SAN BERNARDINO
Board of Supervisors

MOTION	ABSENT	SECOND	AYE	AYE	MOVE
	1	2	3	4	5
LAURA H. WELCH, CLERK OF THE BOARD					
BY					
DATED: July 28, 2015					

**PROPOSED ORDINANCE TO EXTEND AND AMEND INTERIM URGENCY
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SPECIFIC PLAN
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FINANCIAL IMPACT

The recommended actions will not result in the use of any additional Discretionary General Funding (Net County Cost). Extending and amending Interim Urgency No. 4278 pending adoption of the Valley Boulevard Corridor Specific Plan is expected to improve the quality of development in the Valley Boulevard Corridor, resulting in enhanced property tax revenues. Adequate appropriation and revenue to implement this ordinance have been included in the Land Use Services Department's (LUS) 2015-16 budget.

BACKGROUND INFORMATION

On May 19, 2015, the Board of Supervisors (Board) directed the County Administrative Office (with the assistance of County Counsel) to prepare an Interim Urgency Ordinance that would establish a temporary moratorium on the approval of various project types in the area being reviewed for the Valley Boulevard Corridor Specific Plan in Bloomington and to bring a draft Ordinance back to the Board no later than the June 23, 2015 Board meeting. Interim Urgency Ordinance No. 4278, establishing a temporary moratorium on certain commercial uses that may conflict with the Valley Boulevard Corridor Specific Plan (Specific Plan), was adopted on June 23, 2015 (Item No. 107). State law provides for an interim urgency land use ordinance to be adopted initially for a period of 45 days, and then extended by ten months and 15 days, as provided by the proposed ordinance. It is anticipated that the Specific Plan will be presented to the Board of Supervisors (Board) for review in approximately nine months, at which time the temporary moratorium would be lifted simultaneously with the adoption of the Specific Plan.

Report on Interim Urgency Ordinance No. 4278

State law also requires that the public agency issue a written report describing measures taken to alleviate the conditions that led to adoption of the moratorium. The report explains that preparation of the Valley Boulevard Corridor Specific Plan is already underway, and that the Specific Plan is intended to alleviate conditions cited in the Interim Urgency Ordinance.

Specific Plan

The Specific Plan is being prepared for the area along Valley Boulevard, between Alder Avenue and Spruce Street, in the Community of Bloomington. A map of the Corridor, which extends from Interstate 10 to Marigold Avenue, is attached to the proposed ordinance. The purpose of the Specific Plan is to establish use regulations, design guidelines, and development standards that will improve the aesthetic quality, the quality of life, and the economic vitality of the Valley Boulevard Corridor.

The temporary moratorium prohibits approval of specified commercial projects that may conflict with the goals of the Specific Plan. The prohibited uses include commercial uses that typically involve outdoor storage and operations that may be unsightly or noisy, as well as other uses that may be over-represented in the Corridor and the surrounding area.

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SPECIFIC PLAN
JULY 28, 2015
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In accordance with state law, the moratorium does not preclude filing and processing of new applications, however, applications for the prohibited uses filed during the moratorium period cannot be approved. Applications that cannot be approved during the moratorium will be subject to review and final action after adoption of the Specific Plan. Uses that are not prohibited by the moratorium, as listed in the proposed ordinance, may be approved as usual.

Environmental Determination

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) because the temporary prohibition of land uses that may have adverse impacts on the Valley Boulevard Corridor would not affect the environment adversely, pursuant to section 15061 (b)(3) of the state CEQA Guidelines.

PROCUREMENT

Not Applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel, 387-5455) on July 6, 2015; (Ken Hardy, Deputy County Counsel, 387-5401) on July 6, 2015; Finance (Luther Snoke, Administrative Analyst, 387-4345) on July 7, 2015; and County Finance and Administration (Mary Jane Olhasso, Assistant Executive Officer, 387-4599) on July 8, 2015.

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ORDINANCE NO. 4281

**AN INTERIM URGENCY ORDINANCE EXTENDING INTERIM
URGENCY ORDINANCE NO. 4278 ESTABLISHING A
TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF
NEW COMMERCIAL USES THAT MAY CONFLICT WITH THE
VALLEY BOULEVARD CORRIDOR SPECIFIC PLAN, TO
ALLOW TIME FOR COMPLETION AND IMPLEMENTATION
OF THE SPECIFIC PLAN.**

The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds
that:

(a) For purposes of this ordinance, the "Valley Boulevard Corridor" shall
mean all parcels of unincorporated County land located between Interstate-10 and
Marigold Avenue, and between Alder Avenue and Spruce Avenue, in the community of
Bloomington.

(b) It is anticipated that the County may receive a number of applications to
establish new commercial uses that, if approved, may conflict with the purpose of the
pending Valley Boulevard Corridor Specific Plan (Specific Plan). Existing zoning
regulations do not adequately define community character, nor regulate development in
a manner that will improve conditions of the Valley Boulevard Corridor. The Specific
Plan is intended to solve deficiencies of the existing zoning regulations. This interim
urgency ordinance is necessary to provide the Land Use Services Department time to
complete the Specific Plan and present it to the Board of Supervisors for adoption.

(c) The Land Use Services Department is currently preparing the Specific
Plan, which is intended to enhance the aesthetic quality, the quality of the living
environment, and the economic vitality of the Valley Boulevard Corridor. Absent this
ordinance, commercial uses that are not compatible with the goals of the Specific Plan

1 may be established and may adversely impact the existing conditions or the potential
2 for enhancement of the Valley Boulevard Corridor.

3 (d) There is a current and immediate threat to the public health, safety and
4 welfare if permits or entitlements for certain new commercial uses are issued in the
5 Valley Boulevard Corridor. Such permits or entitlements may result in land uses or
6 development that would conflict with the pending Valley Boulevard Corridor Specific
7 Plan that may be adopted as a result of studies that are currently in progress.

8 (e) On June 23, 2015, the Board adopted Interim Urgency Ordinance No.
9 4278, which established a forty-five (45) day moratorium on establishment of new
10 commercial uses that may conflict with the Valley Boulevard Corridor Specific Plan.
11 The Board directed staff to continue work on the Valley Boulevard Corridor Specific
12 Plan, as needed, to address the immediate threats to public health, safety and welfare
13 posed by continued development of the commercial land uses prohibited by Interim
14 Urgency Ordinance No. 4278.

15 (f) *The Report on Interim Urgency Ordinance No. 4278 Establishing a*
16 *Temporary Moratorium on the Establishment of New Commercial Uses That May*
17 *Conflict with the Valley Boulevard Corridor Specific Plan* issued by the Land Use
18 Services Department constitutes the written report issued in compliance with
19 Government Code section 65858(d), and is hereby adopted and ratified by the Board.

20 (g) Although staff has been working diligently since June 23, 2015, more time
21 is needed to complete the Valley Boulevard Corridor Specific Plan, as required to
22 address the potential conflicts posed by certain commercial land uses that resulted in
23 adoption of Interim Urgency Ordinance No. 4278.

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25 SECTION 2. Notwithstanding anything to the contrary in existing law, including
26 but not limited to the County Code and the County General Plan:

27 (a) No application for any permit or entitlement that would authorize
28 establishment of a new use that is prohibited by this ordinance shall be approved.

1 Nevertheless, as required by State law, the County may continue to accept and process
2 applications for use permits and development prohibited by this moratorium. Any
3 application shall be processed at the applicant's sole cost and risk with the
4 understanding that no use permits for uses prohibited by this interim ordinance shall be
5 issued within the Valley Boulevard Corridor while this moratorium and any extension
6 thereof is in effect. The following uses that may have adverse impacts on the aesthetic
7 quality or the quality of the living environment of the Valley Boulevard Corridor, or that
8 may impede improvement of economic vitality by adding new uses that are already
9 over-represented in the Valley Boulevard Corridor, shall be prohibited:

10 (1) Any use requiring outdoor storage or outdoor commercial
11 operations.

12 (2) Agricultural support services.

13 (3) Industry, manufacturing, processing and wholesaling services listed
14 in Table 82-11 of the County Development Code.

15 (4) Automobile repair.

16 (5) Automobile sales.

17 (6) Truck sales.

18 (7) Truck terminal.

19 (8) Truck stop, including truck services and repairs.

20 (9) Used tire sales.

21 (10) Second hand stores and pawn shops.

22 (11) Massage therapy services.

23 (b) Section 2(a) shall not apply to any project approved prior to adoption of
24 Interim Urgency Ordinance No. 4278 by the Board of Supervisors.

25
26 SECTION 3. This ordinance is an interim ordinance adopted as an urgency
27 measure pursuant to Government Code section 65858: The intent is that this
28 ordinance shall serve as an uninterrupted extension of Interim Urgency Ordinance No.

1 4278, and shall be of no further force and effect ten (10) months and fifteen (15) days
2 from its date of adoption, unless it is extended by further action of the Board of
3 Supervisors, pursuant to Section 65858, or on the effective date of adoption of the
4 Valley Boulevard Corridor Specific Plan, whichever occurs first.

5
6 SECTION 4. The Board of Supervisors declares that it would have adopted this
7 ordinance and each section, subsection, sentence, clause, phrase, or portion of it,
8 irrespective of the fact that any one or more sections, subsections, sentences, clauses,
9 phrases or portions of it be declared invalid or unconstitutional. If for any reason any
10 portion of this ordinance is declared invalid or unconstitutional, then all other provisions
11 of it shall remain valid and enforceable.

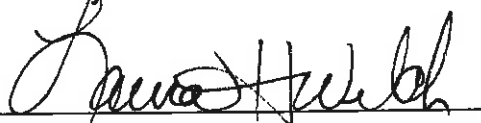
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13 SECTION 5. The Board finds that this ordinance is not subject to environmental
14 review under the California Environmental Quality Act (CEQA) pursuant to Title 15 of
15 the California Code of Regulations section 15061(b)(3), the general rule that an activity
16 is not subject to CEQA if it can be seen with certainty that it would not have a significant
17 effect on the environment.

18
19 SECTION 6. This ordinance is declared an urgency measure necessary for the
20 immediate protection and preservation of the public peace, health, safety and welfare
21 for the reasons stated in Section 1, and it shall take effect immediately upon its
22 adoption, pursuant to Government Code section 65858 and clause (d) of Section 25123
23 of the Government Code.

24
25 
26 JAMES RAMOS, Chairman
27 Board of Supervisors
28

1 SIGNED AND CERTIFIED THAT A COPY OF THIS
2 DOCUMENT HAS BEEN DELIVERED TO THE
3 CHAIRMAN OF THE BOARD

4 LAURA WELCH
5 Clerk of the Board of Supervisors
6 of the County of San Bernardino

7 

8 STATE OF CALIFORNIA)
9) ss.
10 COUNTY OF SAN BERNARDINO)

11 I, LAURA WELCH, Clerk of the Board of Supervisors of the County of San
12 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
13 Supervisors of said County and State, held on the 28th day of July, 2015 at
14 which meeting were present Supervisors:

15 Rutherford, Ramos, Hagman, Gonzales

16 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
17 wit:

18 AYES: **Rutherford, Ramos, Hagman, Gonzales**

19 NOES: **None**

20 ABSENT: **Lovingood**

21 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
22 seal of the Board of Supervisors this 28th day of July, 2015.

23 LAURA WELCH
24 Clerk of the Board of Supervisors of the
25 County of San Bernardino,
26 State of California

27 
28 Deputy

29 Approved as to Form:
30 JEAN-RENE BASLE, County Counsel

31 By: 
32 KENNETH C. HARDY
33 Deputy County Counsel

34 Date: 7/23/15

